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New York

President:	Mr. Briens	(France)
Members:	Bosnia and Herzegovina	Mr. Vukašinović
	Brazil	Mr. Fernandes
	China	Mr. Zhang Changwei
	Colombia	Mr. Alzate
	Gabon	Mrs. Onanga
	Germany	Mr. Schroeer
	India	Mr. Choudhary
	Lebanon	Mr. Jaber
	Nigeria	Mrs. Aguwa
	Portugal	Ms. Vaz Patto
	Russian Federation	Mr. Tolkach
	South Africa	Mr. Ratlou
	United Kingdom of Great Britain and Northern Ireland	Mrs. Stevens
	United States of America	Mr. Banks

Agenda

Protection of civilians in armed conflict

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The meeting resumed at 3.10 p.m.

The President (*spoke in French*): I wish to remind all speakers to limit their statements to no more than four minutes in order to enable the Council to carry out its work expeditiously.

I now give the floor to the representative of Australia.

Mr. Goledzinowski (Australia): Australia welcomes the opportunity to address the Council on the protection of civilians in armed conflict, a subject which should be at the centre of our collective efforts in the field of international peace and security.

I would like to thank you, Mr. President, for having convened this debate and all of the speakers for their contributions today.

Discussions about the situation in Libya and in other places quite rightly have occupied the attention of Governments and peoples from around the world. Australia is firmly on the record as a supporter of the strong action taken by the Council on Libya through its resolutions 1970 (2011) and 1973 (2011). Recent debates have highlighted the importance of the concept of the responsibility to protect and the seriousness with which Governments must take their responsibilities in relation to their populations.

However, given the broader topic of this debate, I would like to focus today on a separate subject: the distinct body of work on the protection of civilians in armed conflict that has been developed in the United Nations over recent years.

The protection of civilians during times of armed conflict is firmly rooted in international law. Our efforts towards this objective have come a long way, but there is still much more to be done.

Australia has worked closely with others on concrete steps and actions to enhance the protection of civilians by peacekeeping operations. We would like to highlight four aspects of this work which continue to require sustained attention from all of us.

First, peacekeepers need to know how to protect civilians in increasingly complex operational environments. Guidance and training are key. Australia is very pleased at the progress made this year by the Special Committee on Peacekeeping Operations, which recognized the need for guidance for peacekeepers on the protection of civilians and noted the important work under way to develop training modules for peacekeepers on this issue. To assist in supporting these broader training efforts, Australia has been pleased to partner with the United Nations Institute for Training and Research to develop a documentary on the protection of civilians in peace operations.

Secondly, engaging local communities, including women, in discussions on protection requirements is key both in the planning stages and while peacekeeping missions are deployed in the field. Engaging the community builds trust and lines of communication; it assists in ensuring consistency with efforts which communities already have under way, and can help manage expectations about what peacekeeping missions are able to do, which can assist in preserving their credibility. The development of community alert networks in the Democratic Republic of the Congo is a good example of local engagement that allows isolated communities to contact local authorities and bases of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo when under threat.

Thirdly, a coherent and comprehensive approach by peacekeeping missions to protection of civilians is critical. This includes the clear articulation of roles and responsibilities within a mission and with other relevant players. The Strategic Framework for Drafting Comprehensive Protection of Civilian Strategies, which was also recognized by the Special Committee on Peacekeeping Operations this year, is an important tool in that regard.

Fourthly and finally, peacekeeping missions are there to support the host Government in building capacity to protect its civilians. This requires a clear understanding of the longer-term needs of the host Government. We would argue that it is important to work towards defined benchmarks that can, in the long-term, assist transition planning. Events in Côte D'Ivoire have demonstrated the need for the use of force in response to imminent threats to civilians. The challenge now in Côte d'Ivoire is shifting towards supporting the Government on longer-term protection challenges, such as security sector reform.

After a decade of mandating explicitly for the protection of civilians in peacekeeping operations, there has been considerable progress, but it is important that undertakings made in New York flow through to the field. The establishment of a new United

Nations mission in southern Sudan provides an important opportunity to ensure that we draw on the lessons we have learned and the best practices we have developed in the field from the very beginning.

Ultimately, the best way to protect civilians is to prevent armed conflict in the first place. We believe that the regular horizon-scanning briefings from the Department of Political Affairs can enhance the Council's capacity in this regard. We would also like to add our voice to those who have expressed support for the conflict prevention initiatives of regional organizations, which, given their comparative advantages, can play a unique role in preventing conflicts and their harmful effects on civilians.

The President (*spoke in French*): I now give the floor to the Acting Head of the Delegation of the European Union to the United Nations.

Mr. Serrano: The candidate countries Croatia, the former Yugoslav Republic of Macedonia, Iceland and Montenegro; the countries of the Stabilization and Association Process and potential candidates Albania and Bosnia and Herzegovina; as well as Ukraine, the Republic of Moldova and Georgia align themselves with this declaration.

Let me start by thanking Under-Secretary General Amos, Under-Secretary General Le Roy and Assistant Secretary-General Šimonović for their briefings and important contributions to this very timely debate.

In recent months, the challenges regarding the protection of civilians have been high on the agenda of the Security Council. The European Union (EU) welcomes the increased attention paid by the Security Council to this important issue.

The European Union commends the work conducted within the United Nations in recent years to foster and strengthen a common understanding of protection of civilians in armed conflicts. The joint efforts in the United Nations have, in addition to increasing the understanding of the concept of the protection of civilians, also resulted in the establishment of a platform for action. The landmark resolution 1894 (2009) provides a solid basis, and recent developments in this regard include the presidential statement and updated aide-memoire of November last year (S/PRST/2010/25), the adoption of resolution 1960 (2010) on sexual violence in conflict, and the development of a stronger framework for the protection of civilians by peacekeepers. The European Union strongly welcomes these developments. Indeed, what is important is to make full and coherent use of this platform in order to make a difference on the ground. The informal expert group on protection of civilians has an important role to play in this regard.

Despite all efforts, civilians continue to be victims of disproportionate attacks, deliberate targeting and the indiscriminate use of weapons. Explosive weapons used in populated areas have a high humanitarian impact on civilians and civilian infrastructure. It is estimated that, in contemporary armed conflicts, 90 per cent of the casualties are civilians and only 10 per cent are active combatants. Contemporary armed conflicts leave behind thousands of victims needing, among other things, appropriate medical care and psychological assistance, in many cases for their entire lives.

We need to pay more attention to the situation of victims. The European Union calls on all parties to conflicts, including non-State actors, to fully comply with their international legal obligations to protect civilians and to prevent human rights violations and violations of international humanitarian law. Compliance with and respect for international humanitarian law need to be reinforced, as they also contribute to securing and sustaining humanitarian space and to guaranteeing safe and unhindered access for humanitarian operations and humanitarian workers to populations in need. We are particularly concerned in this regard by the situation in Darfur, where nothing has changed. The Government bombing of civilians is continuing and militia continue to surround internally displaced persons camps.

Further, it is vital to address the question of impunity in the context of the protection of civilians. There must be strong mechanisms of accountability in case of violations, which also provide an essential preventive element. Activities in this regard should seek to support the establishment of an environment in which all persons, institutions and entities are accountable to laws that are consistent with international law, including human rights norms and standards, and international humanitarian law. There must be no impunity for perpetrators of the most serious international crimes: war crimes, crimes against humanity and genocide. The EU supports accountability mechanisms at the international and national levels. The EU also supports the

recommendation of the Secretary-General in his 2010 report on the protection of civilians in armed conflict (S/2010/579) to establish commissions of inquiry.

With regard to the protection of civilians in the context of peacekeeping operations, I would like to welcome the development of designated protection of civilians strategies by most peacekeeping missions having a protection of civilians mandate. I would like to underline the importance of all peacekeeping missions with a protection of civilians mandate developing comprehensive protection strategies, including the necessary benchmarks and indicators, without delay. The European Union welcomes the framework for drafting comprehensive protection of civilians strategies in United Nations peacekeeping operations, jointly issued by the Department of Peacekeeping Operations and the Department of Field Support, as a useful tool in this regard. The European Union looks forward to the finalization and dissemination of the training modules for protection of civilians to troop- and police-contributing countries. Peacekeeping operations must be provided with the necessary resources and capabilities to carry out their protection tasks effectively, and force commanders must ensure that these are implemented vigorously. In addition, we welcome the important progress made in the Special Committee on Peacekeeping Operations this year on the protection of civilians.

With regard to current developments in Libya, the European Union has welcomed the adoption of resolutions 1970 (2011) and 1973 (2011), which offer a clear legal basis for the international community to provide protection to the civilian population. We are determined to act collectively and resolutely with all international partners — particularly the United Nations, the League of Arab States, the African Union, NATO, and other regional stakeholders — to implement the adopted resolutions on Libya. The broad-based attendance at the second meeting of the Contact Group on Libya last Thursday in Rome was. emblematic of the variety of actors that remain resolute in their commitment to stopping the violent and illegitimate repression of the Libyan people.

The European Union condemns the widespread and systematic violations of human rights, violence and brutal repression perpetrated by the regime against the Libyan people. The European Union calls on all parties to the conflict to respect international humanitarian law and to allow humanitarian organizations full unhindered and safe access to the affected population. The European Union welcomes the referral of the situation to the International Criminal Court (ICC), and calls on all States to fully cooperate with the ICC in compliance with resolution 1970 (2011). We express our appreciation for the swift manner in which the ICC has acted in the situation referred to the Court.

The European Union is taking its share of responsibility through its continuous involvement in the political process and its efforts to provide humanitarian assistance. The European Union stands ready, if requested by the Office for the Coordination of Humanitarian Affairs, to conduct a military operation, in the framework of the Common Foreign and Security Policy, in order to support humanitarian assistance in the region.

The European Union is also deeply concerned about attacks by security forces on peaceful demonstrators elsewhere in the Middle East region, which constitute flagrant violations of human rights law. The European Union is adopting targeted measures to dissuade the Syrian authorities from such practices.

Allow me to reflect on developments in Côte d'Ivoire. The European Union welcomed the adoption and implementation of resolution 1975 (2011), which authorized the United Nations Operation in Côte d'Ivoire to use all necessary means to protect civilians, including preventing the use of heavy weapons, which targeted and harmed the civilian population during the crisis. The effective implementation of resolution 1975 (2011) in Côte d'Ivoire marks an important juncture in highlighting the role of the United Nations with regard to the protection of civilians in armed conflict. The EU also welcomes the establishment by the Human Rights Council of a commission of inquiry to investigate violations on the ground and calls on all sides, in compliance with resolution 1975 (2011), to fully cooperate with the commission.

In conclusion, the adoption by the Security Council of recent resolutions on Libya and Côte d'Ivoire has shown the capacity of the United Nations to act effectively and decisively to protect civilians. The EU very much welcomes that fact and encourages the Security Council to be consistent with decisions taken and to act decisively in order to make a real

difference on the ground, as civilians are at grave risk in armed conflicts.

The President (*spoke in French*): I now give the floor to the representative of Qatar.

Miss Al-Thani (Qatar) (*spoke in Arabic*): I would like to thank you, Mr. President, for convening this open debate on the protection of civilians in armed conflict. I would also like to begin by thanking Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs, and Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, for their important briefings this morning.

Thanks to the Security Council's consideration of the issue over the past decade, there have been many recommendations and strategies for the protection of civilians first and foremost, as well as to overcome obstacles to that end and to ensure that civilians receive the humanitarian assistance and protection they deserve. However, many of those recommendations have not been implemented as a result of many impediments. Those include the lack of political will and, generally speaking, goodwill. In that connection, we would like to focus on the need for various political views not to impede the Council's mission when it comes to its responsibility for powerless civilian populations who fall victim to armed conflicts.

Those efforts led to the Security Council's establishment of a Working Group tasked with the protection of civilians and to draw up plans to put an end to all murder and other forms of violence, including sexual violence, affecting civilians. However, the thrust of the recommendations and presidential statements by the Council have unfortunately not yielded the desired results. We therefore call for respect for all legal obligations and resolutions adopted in this area, as the failure to implement them would lead to the proliferation of a culture of impunity and more violence against civilians.

Over the past two years, the Security Council has addressed many fundamental issues to enhance the effectiveness of the protection of civilians in armed conflict. We have also reconsidered efforts undertaken to further promote the protection of civilians. Many proposals and ideas have been put forward to meet the challenges identified in the report of the Secretary-General in 2009 (S/2009/277). However, several fundamental issues must be clarified, including with regard to the responsibilities of the Security Council and the international community and speedy intervention to address the horrors carried out against civilians in armed conflict in areas of political instability. It is also important to adopt a comprehensive approach that allows the Council to tackle the issue of the protection of civilians in innovative ways not yet considered by the Council.

Many important events this year have compelled the Security Council to consider the issue of the protection of civilians and to take swift and decisive action — for instance, to assist the brotherly Libyan people. My country has participated in international efforts to protect Libyan civilians and to provide the necessary assistance in accordance with international legality and resolution 1973 (2011). In that regard, Qatar has committed itself to implement the resolution regarding the protection of civilians in populated areas. We have deployed substantial assistance in the context of the overall emergency humanitarian assistance provided to Libya. We have also chartered several flights to ship hundreds of tons of foodstuffs, as well as 1,450 tons of medical equipment and supplies to that country. More than 400 wounded persons have been transported to Qatari hospitals. We have also shipped approximately 1,000 tons of food supplies and medical supplies by sea. That is in addition to the in-kind assistance and equipment valued at $18 million. A field hospital with full medical facilities has been provided for Libyans on the Libya-Tunisia border. Qatar has also transported to various safe areas more than 8,000 refugees from Misrata.

With regard to efforts by Qatar-based humanitarian organizations, they have provided assistance in kind as well as medical and nutrition assistance to people on the Tunisian border, amounting to $2.5 million. We have also worked to provide the necessary assistance to refugees moving across the borders of Tunisia and Egypt.

Qatar was among the first countries to join the international contact group on Libya. We hosted the group's second meeting, at Doha on 13 April, as an international forum with the top priority of protecting civilians.

Foreign occupation is one of the main threats to the protection of civilians. People under occupation suffer from a variety of challenges that exacerbate their situation. Given the inhuman embargo and practices

routinely carried out in the Gaza Strip, we call for every possible measure necessary to protect the civilian population of Palestine from the aggression of Israel, the occupying Power.

In conclusion, the protection of civilians is not just a humanitarian concern. We must also work to take comprehensive measures by seeking to implement existing laws for the protection of civilians in armed conflict, without any sort of discrimination or selectivity and in accordance with international law, international humanitarian law and human rights law.

The President (*spoke in French*): I now give the floor to the representative of Mexico.

Mr. Heller (Mexico) (*spoke in Spanish*): I am grateful to your delegation, Mr. President, for convening this debate. I also wish to express my gratitude for the briefings by Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs, Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, and Mr. Ivan Šimonović, Assistant Secretary-General of the Office of the United Nations High Commissioner for Human Rights.

The variety and complexity of current conflicts, the lack of respect for the norms of international humanitarian law and the use of increasingly sophisticated weaponry, which have indiscriminate effects on civilian populations, are factors that have increased the challenges for the Security Council. At the same time, they provide the basis on which to determine the course that the international community should follow in addressing this issue of crucial importance.

On the basis of the five challenges that the Secretary-General identified in his latest report (S/2010/579) in order to ensure more effective protection of civilians in armed conflict, we wish to underscore some factors that we believe significant.

First, in order to promote the implementation of international humanitarian law, it is of great importance that States that have not yet done so adhere to the international instruments on international humanitarian law and recognize the customary law applicable in such situations. It is essential that we adopt measures to incorporate the content of such treaties into national legislation and practices.

It is of particular concern that such indiscriminate weapons as cluster munitions are being used in ongoing armed conflicts, despite being prohibited under an international treaty, and that weapons and other explosive devices are regularly used in areas of high civilian concentration. Such uses contravene the prohibition under international humanitarian law of the use of methods and means of combat that cause needless harm and/or unnecessary suffering, as well as the principles of distinction and proportionality, which must be observed at all times.

To that, we would add that the availability of small arms and light weapons as a result of illicit trafficking has direct negative repercussions for the civilian population. We must make progress on the effective implementation of Security Council sanctions regimes, in particular arms embargoes and, in a broader sense, meet international obligations pursuant to the Convention against Transnational Organized Crime and the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

Secondly, we must ensure that obligations falling to non-State armed groups are met. All parties to a conflict, whether State bodies, including State coalitions, armed groups or any other actor, whatever their nature, are obliged to respect the norms and principles of international humanitarian law, including those recognized under customary law. It is therefore important not only to enact national legislation on the issue, but also to take broad measures to implement international law at all levels in order to help prevent and avoid non-compliance by such actors.

Thirdly, we need to improve the protection of civilians by peacekeeping missions and other relevant United Nations missions. We recognize the progress made within the Organization to provide specific mandates in that regard, and we recall the importance of cooperation with other actors involved in such efforts, such as the International Committee of the Red Cross and national Red Cross societies. Measures such as those set out in resolution 1882 (2009) for the protection of children in armed conflicts, or in the provisions of resolution 1894 (2009) — which focuses in an innovative way on ensuring that the mandates of peacekeeping operations include civilian protection strategies and action plans that guarantee coordination between United Nations missions and humanitarian organizations — represent significant progress. However, we continue to regret the various attacks

taking place against civilian populations in different regions.

Fourthly, it is particularly important to improve access for humanitarian assistance. The instruments of international humanitarian law are very clear on the obligation of States and parties to a conflict to allow safe, timely and unhindered access for humanitarian aid. It is regrettable that this obligation is repeatedly ignored in ongoing armed conflicts.

Lastly, accountability must be improved. States have the primary responsibility to bring to justice the alleged perpetrators of violations of international humanitarian law, including war crimes. We believe that the international instruments on international humanitarian law — in particular the four Geneva Conventions, their Additional Protocols and customary international law — provide a solid basis of principles and norms for the protection of all those not participating in hostilities or who have ceased to take part in them. It is crucial that they be respected by all parties to a conflict, regardless of their nature or the kind of conflict in question.

The International Criminal Court is an indispensable tool for preventing impunity in that it is empowered to try alleged perpetrators of such violations if a State is unable or openly unwilling to do so. Therefore, we urge the States that have not yet done so to ratify the Rome Statute and to cooperate fully with the Court. The Council's power under the Statute to refer situations to the Court, as happened with the situations in Darfur and more recently in Libya, is key to the efforts under way to prevent future violations of international humanitarian law. It is crucial that the Council closely follow up such referrals and urge the relevant States to fully cooperate with the Court in order to successfully implement those mandates.

We are following closely and with concern the situation affecting broad sectors of civilians in North Africa. In that regard, we recall that all parties to the hostilities, whether State bodies, armed groups or any other actor, whatever their nature, are obliged to respect the norms and principles of international humanitarian law, including those recognized under customary international law.

We acknowledge that the resolutions recently adopted by the Council on Libya and Côte d'Ivoire were aimed primarily at protecting the civilian population and helping to ensure humanitarian assistance. The legitimacy of the Security Council's actions rests with the fundamental objective of ensuring the protection of civilians in conflict, regardless of the region or particular country.

In June 2010, when my delegation held the presidency of the Security Council, we held a debate on strengthening the rule of law, in which, through the adoption of a presidential statement (S/PRST/2010/11), we acknowledged that respect for international humanitarian law was an essential element in situations of conflict, and reaffirmed that the protection of the civilian population in armed conflicts was essential to any comprehensive strategy for conflict resolution.

Certainly, the Council must take specific, effective and resolute actions to address such situations, as required by those who suffer the trials of armed conflict and as demanded by States such as Mexico that are convinced of the leading role that the Security Council must play in that regard.

The President (*spoke in French*): I now give the floor to the representative of Kenya.

Ms. Ojiambo (Kenya): I wish to express my sincere appreciation to you, Mr. President, for organizing this important debate. I thank Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs; Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations; and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights, for their statements earlier today.

When conflict erupts, its major victims are civilians, mainly women and children. My delegation therefore welcomes the Secretary-General's latest report (S/2010/579) on the protection of civilians in armed conflict, which provides contemporary guiding principles on the matter.

Eleven years ago, the Council addressed the protection of civilians in armed conflict as a thematic issue for the first time. Since then, the adoption of resolution 1265 (1999) and other related resolutions, such as 1296 (2000), 1674 (2006), 1738 (2006) and 1894 (2009), as well as the endorsement of the aide-memoire (see S/PRST/2010/25, annex) and the establishment of the Expert Group on the Protection of Civilians bear testimony to the Council's continued commitment to enhancing the protection of civilians in armed conflict.

However, continual cases, such as those involving the mass rape of women and children by rebel groups in the Democratic Republic of the Congo, are stark reminders that action to stop such violations needs to be taken now. Therefore, today's debate provides us with yet another opportunity to reflect on the progress made, the challenges we face and the steps we need to take to address this recurring problem while renewing our political will and resolve to rally support for the protection of those helpless civilians who so often find themselves trapped in conflict situations.

The question of protection deserves deeper reflection owing to its complex and multifaceted nature. It involves enhanced compliance with international humanitarian law by all parties to a conflict, making more effective use of United Nations peacekeeping missions, improving humanitarian access and strengthening accountability for violations. It is therefore imperative that this critical issue be addressed while taking into account all of those underlying considerations.

The task of protecting civilians is currently enshrined in the mandates of a number of United Nations peacekeeping missions. The first such mandate was authorized to provide protection to civilians more than a decade ago in Sierra Leone, where amputations were the order of the day. At present, the majority of United Nations peacekeeping missions operate with such mandates. However, there are real challenges in their implementation and the Council needs to provide peacekeeping missions with clear, realistic guidelines and achievable mandates. It is prudent that aspects of the protection of civilians be included in predeployment training.

Additionally, at the operational level, presence equals protection. The abuse of civilians in armed conflict most often takes place in areas that are inaccessible to peacekeeping contingents. Therefore, there is a need to ensure that adequate capacity and resources are made available to peacekeepers so as to enable them to cover areas where civilians are under imminent threat of physical violence, while ensuring that they conduct their tasks without prejudice to the primary responsibility of the host nation to protect civilians. That can be achieved only through the deployment of more armed personnel than is the case in many missions today.

Sexual violence is no longer a simple by-product of armed conflict. It is being used as a weapon of war, aimed at dehumanizing and instilling fear in civilians in situations of armed conflict. Whether carried out by non-State armed groups or Government security forces in conflict and post-conflict situations, it is to some extent designed to achieve political and military objectives. The adoptions of Security Council resolution 1325 (2000) addressing the impact of war on women, resolution 1820 (2008) calling for the cessation of all acts of sexual violence against civilians, and resolution 1888 (2009) establishing the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict are efforts that are expected to give new impetus to the protection of civilians in conflict. As the United Nations considers a new configuration in the Sudan, the issue of protection of civilians should remain pivotal.

Parties to a conflict have obligations under international humanitarian law to protect civilians. It is regrettable that many non-State armed groups do not understand that such law exists and, hence, have no regard for it. The Council needs to enhance compliance by consistently calling on all parties to adhere to their obligations under international humanitarian law, especially in exercise of the principles of distinction and proportionality. Additionally, the Council needs to apply targeted measures against parties who routinely violate their legal obligations to respect civilians.

The Council must further ensure that investigations into alleged violations of civilians in armed conflict are conducted in a timely manner, with commensurate consequences for violators. That will not only promote accountability among the various actors, but also demonstrate the Council's intolerance for impunity as part of a comprehensive approach to ensuring that perpetrators are brought to justice through national or international legislation and that victims are granted redress.

Providing unhindered humanitarian access during conflicts is a fundamental prerequisite for ensuring life-saving assistance. It is therefore important for peacekeeping missions to provide a secure environment to facilitate humanitarian access to civilians, including displaced persons. While current efforts to enhance the capacity of peacekeeping missions to provide protection to humanitarian service providers are commendable, significant challenges remain. The Council should therefore address that

aspect during the authorization of mandates, consistently condemn all acts of violence against humanitarian workers, and call on parties to a conflict to comply with their obligation to protect such personnel and their consignments.

I wish to conclude by reaffirming Kenya's commitment to the protection of civilians in armed conflict and to guaranteeing their rights in conformity with international humanitarian law. As the Council may be aware, Kenya clearly understands the effect of failures to provide that protection, as we are currently providing shelter to close to 1 million refugees from Somalia, which is a war-torn country. Considering the fact that civilians continue to be subjected to indiscriminate attacks and other violations by parties to conflict, and taking into account that they comprise the vast majority of casualties, we all need to work consistently towards enhancing their protection.

The President (*spoke in French*): I now give the floor to the representative of Chile.

Mr. Errázuriz (Chile) (*spoke in Spanish*): I congratulate your country, Sir, on having assumed this month's presidency of the Security Council and for your timely initiative to convene today's open debate on the protection of civilians in armed conflict. Unfortunately, that issue has been very much in the news and requires the attention of the United Nations.

My delegation wishes to express its appreciation for the briefings given today by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the Under-Secretary-General for Peacekeeping Operations and the Assistant Secretary-General for Human Rights and Head of the New York Office of the United Nations High Commissioner for Human Rights. Chile associates itself with the statement delivered by the representative of Switzerland on behalf of the Human Security Network, of which Chile is a member.

In recent years, the United Nations has made significant progress in the protection of civilians in armed conflict. The Council has adopted a number of important resolutions, including resolution 1325 (2000) on the protection of women in armed conflict, the significance of which marked a milestone in efforts to address that issue. My country has developed its own national plan in that regard. The Council also adopted resolution 1960 (2011) establishing monitoring, analysis and reporting arrangements on conflict-related sexual violence.

The Secretary-General has expressed particular concern regarding the protection of civilians and, within the Department of Political Affairs, has consolidated a conflict-prevention system that includes, among other measures, a mediation unit and provisions for collaboration between the Offices of the Special Adviser on the Prevention of Genocide and of the Special Adviser on the Responsibility to Protect. Those initiatives have better positioned the Organization, the Council and the Secretary-General to identify potential conflicts and, if necessary, take appropriate measures to potentially prevent them.

However, States themselves hold the primary responsibility for protecting their populations. They must create early warning and conflict detection mechanisms and adopt corresponding preventive measures. As that has not always been possible, however, the Council has had to take the measures necessary to adequately protect civilians in conflict situations. The adoption of resolutions 1970 (2011) and 1973 (2011) on Libya responds to that need. The measures contemplated in those resolutions are adequate for the protection of civilians, and their implementation must also be so. When States cannot protect their civilians, the international community, through the United Nations, cannot remain indifferent to the fate of those whose rights are being seriously, systematically and repeatedly violated.

Chile categorically recognizes the important work carried out by peacekeeping forces in the protection of civilians. My country appreciates the measures adopted by the Department of Peacekeeping Operations to endow these forces with instruments, resources and codes of conduct suitable for effective action in this area. Today, almost all peacekeeping operations carry out tasks involving the protection of civilians, and eight of them have a specific mandate to provide physical protection.

At the same time, peacekeeping operations today are multidimensional, with important components having to do with the protection of civilians such as human rights monitoring, humanitarian assistance, capacity-building, restoration of infrastructure and services, and security sector reform, among others. Chile believes that a comprehensive approach is the most effective way to address and respond to threats to

the safety of civilian populations in situations of armed conflict. We welcome not only the normative measures adopted but also those practices on the ground aimed at preventing and mitigating the effects of violence on civilians in armed conflict.

It is important to enhance interaction between the host Government, the Security Council, troop-contributing countries and the Secretariat in order to reduce the gap between the decision-making process and the concrete implementation of those decisions on the ground. It is therefore also of great importance to overcome the major obstacles affecting peacekeeping operations, such as access to resources, teams and capacity-building, prior to deployment.

Respect for and implementation of international law and international humanitarian law are inextricably linked to combating impunity. Putting an end to impunity must be seen as part of a comprehensive approach in the search for a sustainable peace, justice, truth and national reconciliation. Concerted efforts are required to cooperate with national judicial mechanisms in order to develop their capacities and ensure that perpetrators are brought to justice and tried in accordance with international standards.

Restoring the rule of law, security sector reform and the mechanisms for transitional justice are key areas in which national systems must be strengthened and receive support through effective international cooperation. The International Criminal Court, as well as other tribunals and mixed courts, play an important complementary role. Chile supports all those measures aimed at combating impunity, whether at the national or international levels.

Civilians affected by violence in armed conflict have a right to reparations and compensation. In this regard, we must not neglect the value of symbolic reparations as a way of healing the wounds of societies in post-conflict countries.

The situation of the civilian population in countries in crisis is of concern to us. Their physical and emotional well-being must be respected and the relevant channels for dialogue must be kept open, allowing for a political solution to be found, while ensuring respect for fundamental freedoms and human rights.

The President (*spoke in French*): I now give the floor to the representative of Morocco.

Mr. Loulichki (Morocco) (*spoke in French*): I would like to start by thanking France for having organized this debate on a topic that affords us an opportunity to take stock of the progress achieved and the best practices, so that we may together identify areas in which additional efforts are necessary to guarantee better protection of civilians in armed conflict. I would also like to pay tribute to the valuable contributions to this debate by Ms. Amos, Mr. Le Roy and Mr. Šimonović.

The Security Council has been considering for over a decade the question of the protection of civilians in armed conflict. This ongoing commitment by the Council has led to progress in terms of norms, which should be welcomed, and to progress on the ground, which needs to be consolidated. The Secretary-General's report on the protection of civilians in armed conflict, of November 2010 (S/2010/579), underscores the importance of adopting a comprehensive approach combining the legal, humanitarian and security aspects of dealing with the protection of civilians in armed conflict.

This is a complex, multidimensional task. To better protect civilians and relieve their suffering, we must collectively strengthen respect for international law, especially international humanitarian law, and provide those peacekeeping operations that have a mandate for the protection of civilians with the necessary resources to better implement that mandate.

In this context, the Security Council is called to develop clear and realistic mandates for peacekeeping operations. This is particularly necessary when the protection of civilians is mandated. These mandates must, furthermore, take into account the financial and logistical resources provided to peacekeeping operations as well as the operational command structure of the operations, in consultation with Member States.

Seven peacekeeping operations have a mandate to protect civilians. This is a significant development that needs to be underscored and welcomed while mainstreaming the use of optimal practices for the protection of civilians in peacekeeping operations with such mandates.

Training for peacekeeping operations leadership is also an important aspect that we need to focus on. We welcome the ongoing development by the Department of Peacekeeping Operations of

predeployment and in-mission training modules for blue helmets in close cooperation with troop-contributing countries. However, and along with these achievements, we should not forget that the protection of civilians is but one aspect of the complex mandates of certain peacekeeping operations. The main task of these operations is to facilitate a peace process and ensure transition to a lasting peace.

One of the fundamental items for the success of mandates for the protection of civilians is programmes for the disarmament, demobilization and reintegration of combatants. My delegation believes that additional efforts should be undertaken to finance the crucial reintegration phase and to enhance States' capacities in post-conflict situations. When it is mandated, the protection of civilians often gives rise to excessive expectations in terms of public opinion and among the population of the host country. However, simply looking at the numbers of peacekeeping troops and comparing them to the population to be protected amply demonstrates that the blue helmets cannot guarantee protection for all.

The protection of civilians in armed conflict requires strict respect for international humanitarian law, as I said, by the parties to the conflict. We must note that in many situations, the militarization of refugee camps — which often makes it hard to distinguish between combatants and non-combatants — thus prevents humanitarian actors from discharging their mission and providing assistance and care to vulnerable populations in these camps.

The control of civilian populations by non-State actors operating either in connivance with the host country's authorities or without their knowledge is a challenge that the international community must meet. This control over entire civilian populations sometimes even leads to a rejection of a basic requirement, namely the counting and registering of the population, without which it is pointless to speak of protection, much less of the right of return. Moreover, it is precisely that lack of protection and of distinction between civilians and combatants in refugee camps that leave the door open for opportunistic terrorists to abuse some refugees, use them in hostage-taking actions and even destabilize entire regions.

I cannot conclude my remarks without properly honouring the work of United Nations blue helmets and humanitarian workers, who are prepared every day to make the ultimate sacrifice to protect civilians in conflict zones. The increasing dangers they brave in carrying out their noble work command our admiration and more than justify all the praise they regularly earn from the United Nations.

The President (*spoke in French*): I now give the floor to the representative of Norway.

Mr. Langeland (Norway): Over the past years, we have seen encouraging progress in efforts to enhance protection measures in armed conflict. Despite progress, the situation for civilians remains grim. That has been amply proven true as we have witnessed the unprecedented series of crises in the Middle East, North Africa and sub-Saharan Africa in the past months. Norway would like to emphasize six points that are critical to the debate on the protection of civilians.

First, the key to the protection of civilians is that all States and parties bear the primarily duty to protect civilians. The protection of civilians is a broad agenda firmly anchored in the responsibility of States to protect their own citizens and the complementary responsibilities by the international community to assist countries to fulfil their obligations.

Secondly, the Security Council has a responsibility to authorize international protection when States fail and betray their obligations to the extreme of widespread and indiscriminate killing of their own people. We welcome the Council's decisiveness in taking necessary measures under Chapter VII to protect civilians in both Libya and Côte d'Ivoire. Norway has clearly supported resolutions 1970 (2011), 1973 (2011) and 1975 (2011) and contributes to the implementation of two of those resolutions. But we want to emphasize that those are measures of last resort and were authorized after a series of other preventive measures, that is, condemning acts of violence, imposing targeted sanctions and promoting accountability through international commissions of inquiry and referral to the International Criminal Court.

Recent actions taken by the Security Council, in particular resolutions 1973 (2011) and 1975 (2011), have raised concerns regarding intentions, impartiality and possible ramifications for the broader agenda of the protection of civilians. For us, it is essential that such mandates are implemented strictly to protect civilians and do not go beyond that.

The international community should work towards common positions without double standards and be able to take appropriate actions when it is necessary. We urge the Security Council to continue responding robustly, swiftly and consistently when international law and human rights are gravely violated. The grave situation in Syria should not be an exception to this rule.

Thirdly, it is important to emphasize that the common positions on the protection of civilians agenda, which have been developed by the international community over the past decade, need to be upheld and further enhanced. The updated aide-memoire (S/PRST/2010/25, annex), the adoption of resolution 1960 (2010), which establishes a monitoring and reporting mechanism on conflict-related sexual violence, and the new strategic framework for the protection of civilians in peacekeeping missions are important steps forward.

Fourthly, it is essential to ensure that humanitarian principles are not compromised and that humanitarian assistance is not used for military and political purposes. Constraints on humanitarian access must be systematically monitored and properly addressed. Today's armed conflicts usually take place in densely populated areas, with extensive civilian losses and damage to civilian buildings and infrastructure as a result. In our view, international humanitarian law also includes the Anti-Personnel Mine Ban Convention and the Convention on Cluster Munitions. Norway supports the Secretary-General's call for more work by the international community to better understand the impact of explosive weapons in populated areas and to develop mechanisms for improving civilian protection in that regard.

Fifthly, it is vital that the parties to a conflict bear the primary responsibility to investigate and prosecute alleged violations of humanitarian law conducted by forces under their command. The culture of impunity must end. All parties must be held accountable under law. That is why we believe it is important to consider the key recommendations of the Secretary-General's Panel of Experts on Accountability with regard to the situation in Sri Lanka during the war in 2009. We welcome their report, which reiterates the need for accountability in Sri Lanka. Credible allegations of human rights and humanitarian law violations by both parties to the conflict should immediately be properly investigated.

Sixthly, we witness today the essential role played by the free media in areas affected by armed conflicts. Thanks to media reporting, the killings, rapes and looting in Walikale territory of the Democratic Republic of the Congo were brought to the world's attention. Journalists can be instrumental in preventing mass atrocities. Resolution 1738 (2006) calls on all Governments to protect journalists in armed conflicts and to end violence and attacks against journalists. That resolution must be fully implemented, and a stronger focus on the monitoring of such violations is necessary.

Let me conclude by reaffirming that Norway is fully committed to the agenda of the protection of civilians in armed conflicts. It is important that common norms continue to be developed and implemented.

The President (*spoke in French*): I now give the floor to the representative of Turkey.

Mr. Müftüoğlu (Turkey): We join our colleagues in thanking Under-Secretaries-General Amos and Le Roy, as well as Assistant Secretary-General Šimonović.

The Council is holding this meeting today against the backdrop of the historic events that are sweeping the Middle East and North Africa. The dynamics of change that have been set in motion by the democratic aspirations of the masses and the transformation we are witnessing as a result are irreversible. Cognizant of the fact that fundamental change never comes about easily, Turkey nevertheless is seriously concerned about the loss of civilian life and the ongoing suffering of civilian populations on a daily basis throughout the unfolding of these dramatic events.

Allow me to emphasize that Turkey condemns any and all deliberate attacks on civilians and the deaths resulting from the indiscriminate and excessive use of force. We are aware that, as always, the primary obligation for protecting civilians lies with States. However, the international community also has a responsibility to help protect civilians in situations where States openly fail to do so. That is essentially what happened in Libya. The international community cannot, and could not, simply look away when civilians are, and were being, targeted.

Turkey has played an active role from the very beginning of the crisis, both to alleviate the suffering

of the Libyan people and to bring about a rapid political resolution to the conflict. While we are taking part in NATO operations based on resolutions 1970 (2011) and 1973 (2011), our humanitarian assistance to Libyans also continues, both bilaterally and in cooperation with partners. One of the three pillars of the road map that we have proposed is the formation of secure humanitarian zones that would provide unimpeded humanitarian aid flow to all Libyans without discrimination. Establishing a genuine ceasefire and setting in motion an inclusive political process are also key to the stabilization of Libya.

The developments over the past few months, in particular vis-à-vis Libya and Côte d'Ivoire, have triggered a new debate on the notion of the protection of civilians and how it can be taken forward. It is clear that, both conceptually and pragmatically, new ground has been broken and there are important questions that need to be answered. Bearing in mind that perceptions are as important as realities, Turkey believes that this is a necessary and welcome debate, which we must have in the United Nations, especially as the protection of civilians will continue to be an integral part of the work we do here in many different settings. It might be useful for the Council's informal experts group on the protection of civilians to take this matter up with a view to providing a thorough analysis and in-depth reflection of the state of play.

While Libya has justifiably been given a lot of attention over the past several months, when the protection of civilians is being discussed we should not fail to recall the plight of the Palestinian people. Whether in Gaza or the West Bank, Palestinians continue to suffer under blockades and occupation, while their fundamental rights are denied. This sad state of affairs is not sustainable, and must be addressed within the context of a two-State solution as a matter of the utmost urgency. Let me also take this opportunity to underscore our determination to follow up the process of inquiry, until justice is done, into the Israeli attack on the humanitarian aid convoy to Gaza, which took place almost a year ago in international waters and resulted in nine civilian deaths and many wounded.

With regard to the application of the concept of protection of civilians, let me reiterate our position that counter-terrorism efforts do not constitute armed conflict and cannot be considered as such. We should make a clear distinction between the counter-terrorism efforts of law enforcement agencies and armed conflict. Turkey strongly condemns all acts of terrorism and the use of civilians as human shields, and acknowledges the legitimate right of Governments to combat terrorism.

Before concluding, I wish to underline that the rule of law, human rights, democracy and good governance should be strengthened in order to ensure the long-term and lasting protection of civilians. We should ensure that the perpetrators of violence against civilians are held accountable for their actions. They should know that they will face justice eventually.

The President (*spoke in French*): I now give the floor to the representative of Ukraine.

Mr. Sergeyev (Ukraine): Thank you, Mr. President, for allowing Ukraine to contribute to this important and timely debate. Let me also thank Under-Secretary-General Valerie Amos, Under-Secretary-General Alain Le Roy and Assistant Secretary-General Ivan Šimonović for their insightful briefings.

Ukraine aligns itself with the statement delivered on behalf of the European Union.

Ukraine is alarmed by the fact that civilians continue to account for the majority of casualties in conflicts, as well as a high number of displaced persons. We are deeply concerned by the frequency and gravity of attacks against civilians, especially women and children, and by issues of safety for humanitarian personnel and of timely humanitarian access to those in need, particularly vulnerable groups. My country attaches great importance to such issues, especially in its capacity as an active participant in peacekeeping operations and as a member of the Peacebuilding Commission and the Executive Board of UN-Women.

We welcome the increased understanding of the primacy of the protection of civilians in situations of armed conflict and the ever-growing attention to this issue within the United Nations. Ukraine commends the work of the Secretary-General and his Special Representative on Sexual Violence in Conflict, as well as that of Member States, particularly concerning the implementation of resolutions relating to women and peace and security. My delegation fully supports a comprehensive approach to addressing the issue of the protection of civilians. This will entail, in particular, taking further action to address core challenges, namely, to strengthen compliance with international

humanitarian law and international human rights law, including by non-State armed groups; to improve the mechanisms for the protection of civilians through United Nations peace operations; and to improve humanitarian access and strengthen accountability for violations.

In this context, we support the systematic use of practical tools such as the updated version of the 2002 aide-memoire (S/PRST/2010/25, annex). We believe that it is still possible to improve coherence and mainstreaming in this area, including through promoting stronger interaction between all relevant actors and through monitoring and oversight, particularly by developing indicators for civilian protection.

Accountability for violations of international law — including the deliberate targeting of civilians, their use as human shields, indiscriminate or disproportionate attacks and delays or denials of humanitarian access — is also an issue that must be tackled. The questions of how to translate thematic principles into actual protection of civilians on the ground, and how to improve prevention, including with early warning and assessment, in the context of the responsibility to protect, should, we believe, be a focus of all our efforts.

Ukraine's commitment to the efforts of the United Nations in the area of the protection of civilians in armed conflict stems from the principles I have mentioned. Among recent concrete manifestations of that unwavering commitment we can single out the humanitarian mission carried out by Ukraine in April using its landing ship *Konstantin Olshansky* to evacuate civilians from Libya. As a result of this initiative by the President of Ukraine, a total of 193 citizens of 20 nationalities, including 78 women and 35 children, were put on board the large landing ship *Konstantin Olshansky* and transported out of harm's way. I should stress that this mission was undertaken in full compliance with the relevant Security Council resolutions — namely, resolutions 1970 (2011) and 1973 (2011) — and with due notification of the Secretary-General from the outset.

It is the same unshakable commitment and sense of responsibility for the protection of civilians under threat of imminent violence that lies behind Ukraine's decision to be an active participant in the provision of temporary reinforcements to the United Nations Operation in Côte d'Ivoire. We are proud of the contribution that the Ukrainian aviation unit made to the United Nations efforts to save civilians in Abidjan, thanks to which thousands of innocent lives, mainly of women and children, were spared the imminent danger posed by deadly heavy weaponry. As in the first case I mentioned, Ukraine acted strictly in accordance with international law, and in particular with the unanimously adopted resolution 1975 (2011).

Finally, let me assure you, Mr. President, that my country will spare no efforts to continue to contribute to our common goal of protecting civilians around the world.

The President (*spoke in French*): I now give the floor to the representative of Croatia.

Mr. Vilović (Croatia): Let me begin by congratulating you and your delegation, Sir, on your presidency of the Security Council for the month of May. I assure you of the full support of my delegation. I also thank you and your delegation for initiating this meeting and bringing the Council together to discuss an issue that is critically important to the Republic of Croatia, and surely to all nations.

Allow me to thank Under-Secretary-General for Humanitarian Affairs Valerie Amos, Under-Secretary-General for Peacekeeping Operations Alain Le Roy and Assistant Secretary-General for Human Rights Ivan Šimonović for their enlightening briefings. Their presence here today shows the clear commitment of the United Nations to placing this issue at the highest possible level.

Croatia aligns itself with the statement delivered by the representative of the European Union. I would now like to make some additional remarks in my national capacity.

In our opinion, the question of the protection of civilians in armed conflict deserves more consistent attention from the Council. Statistics over the past 20 to 30 years clearly show that civilian casualties in conflict areas have consistently outnumbered military casualties and continue to do so. In the twenty-first century we are still witnessing gross violations of international humanitarian law in which civilians are increasingly and deliberately becoming a primary target of armed groups. It is evident that the nature of contemporary conflict has changed. Nowadays, in the conduct of armed conflict, civilians more often than

not become the targets of armed attacks and atrocities that include murder, deportation and ethnic cleansing, as well as rape and sexual violence, which have thus become weapons of war.

This goes directly against the commitments made in the 2005 World Summit Outcome document (General Assembly resolution 60/1), as well as the relevant Security Council resolutions that reaffirm the provisions of paragraphs 138 and 139 in that document. The international community should encourage and help States to exercise their responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Such acts of violence must be thoroughly investigated and the perpetrators brought to account. It is therefore imperative that the International Criminal Court, as well as national courts, be the crucial focus of justice for victims, and thus a reminder that there can be no tolerance for any criminal act.

This has proved a valuable tool in combating impunity, a corrosive force that can undermine opportunities for reconciliation and building lasting peace. Over the years, the Security Council has acted in numerous other ways to enhance the agenda of the protection of civilians. The Council has promoted the use of mediation in order to help prevent the outbreak of armed conflicts in crisis situations. It has used its influence on parties to armed conflicts to observe standards of protection, including by imposing targeted measures against parties in cases of violations of international humanitarian and human rights law. We should not be seen to be deficient in fulfilling our commitments.

Despite several positive developments in the Council, Croatia remains extremely concerned about the severity and prevalence of attacks on civilians, especially women and children. The Council has a responsibility to respond to situations of armed conflict where humanitarian assistance is being deliberately obstructed, not merely by calling on the parties involved to allow unimpeded passage to relief, but also by imposing targeted measures in grave instances of the wilful impediment of the delivery of such supplies. The Council needs to provide strong and effective leadership on this issue, including by taking concrete action when necessary, with the ultimate aim of ending mass atrocities. We thus support the international community's increased preparedness to take collective action through the Security Council when national authorities manifestly fail to protect their populations from violations of humanitarian law.

In addition, we express our deep concern over the further worsening of the situation in Libya and plead for the cessation of violence that is claiming more victims by the day. We harshly condemn the use of force by the Al-Qadhafi regime against civilians and demand that such violence cease immediately. As a country taking active part in the international efforts to prevent further civilian casualties in Libya, Croatia fully supports the implementation of resolution 1973 (2011) on establishing a no-fly zone and stiffening the existing sanctions against the Al-Qadhafi regime imposed under resolution 1970 (2011). Once more, we recognize the importance of fully respecting the legal framework and mandate set out by the relevant resolutions in order to take, individually or through regional organizations and arrangements — especially by members of the League of Arab States and the African Union — all necessary measures to protect civilians in Libya.

Additionally, we share the deep concern over the humanitarian situation, the number of casualties and the escalation of violence in Syria, Yemen and Bahrain, as well as in the now-appeased Côte d'Ivoire. We invite the governing structures in these countries to refrain from using violence against political opponents and civilians who are committed to change. Continuing repression leads to unnecessary killings, strengthens antagonisms and contributes to the radicalization of certain social and political groups. Political, economic and social reforms are necessary for restoring lasting and non-oppressive stability in those countries, and they can be implemented only through a comprehensive national dialogue.

Croatia also co-sponsored a resolution adopted during the special session of the Human Rights Council on 29 April, whereby it condemned the use of lethal violence against peaceful protestors by the Syrian authorities and urged the Syrian Government to put an end to all human rights violations and respect all fundamental freedoms, including the freedoms of expression and of assembly.

Lastly, I would like to welcome the establishment of the New York Office of the High Commissioner for Human Rights, which we see as a step forward in strengthening a heightened profile for human rights in the United Nations system. We commend the Office for

its consistent and structured work and its integrated approach to human rights, which is necessary to enhance the protection civilians in armed conflict. We look forward to our continued cooperation.

The President (*spoke in French*): I give the floor to the representative of Canada.

Mr. Rivard (Canada) (*spoke in French*): I would like at the outset to thank France for having convened this open debate. I also wish to express my appreciation to Ms. Amos, Mr. Le Roy and Mr. Šimonović for their remarks to the Council today. The protection of civilians is a cross-cutting issue involving various dedicated actors. Close collaboration among these actors is key to ensuring that our approach is effective, comprehensive and coherent.

Since the last open debate on this item (see S/PV.6427), the evolving situations in Libya, Côte d'Ivoire and, most recently, Syria have once again drawn the attention of the international community to the protection needs of populations affected by violence and armed conflict. Canada welcomes the strong protection of civilians mandates for Libya and Côte d'Ivoire adopted by the Security Council in resolutions 1970 (2011), 1973 (2011) and 1975 (2011). Deliberate and targeted attacks on civilian populations must not be tolerated. In Libya, Canadian forces have proudly joined other NATO allies and regional partners in implementing these resolutions.

I would like to focus on three specific areas where the Council's attention and action are required.

First, Canada believes that continued efforts are required to ensure a coherent United Nations approach to addressing protection issues. It is essential that United Nations agencies work in close collaboration with each other and build on each other's expertise. The Security Council can play a leadership role ensuring a comprehensive approach to addressing protection issues. To that end, Canada strongly encourages Council members to use all the tools at their disposal, such as the aide-memoire (S/PRST/2010/25, annex) and the informal group of experts on the protection of civilians, to ensure greater consistency in the manner the Council addresses protection issues.

Secondly, it is critical that international protection norms and comprehensive protection strategies be more effectively implemented. That is why Canada welcomes the framework for drafting comprehensive strategies for the protection of civilians in United Nations peacekeeping operations, which will assist senior mission leadership to develop comprehensive mission strategies. Building on this initiative and past lessons learned, we also urge the development of effective operational guidance on the tasks and responsibilities of peacekeeping missions in the implementation of protection of civilians mandates, as recognized in resolution 1894 (2009).

Success can be truly achieved, however, only when protection strategies are fully integrated into the day-to-day work of United Nations country teams and peacekeeping missions. Protection mandates need therefore to be taken into account from the earliest planning stages of a United Nations mission. It is important that protection objectives be adequately resourced and that training for military and civilian mission staff be more consistent and readily available. New missions to be deployed in the near future, such as that in South Sudan, will offer opportunities to put these concepts into practice.

(*spoke in English*)

Humanitarian access is also an important component of a protection strategy. Humanitarian actors require full, safe and unhindered humanitarian access to populations in need of assistance. The access challenges facing humanitarian workers in Libya highlight the challenges that remain. Canada calls on the Council to continue efforts to systematically monitor and analyse constraints on humanitarian access.

It is also important that protection strategies be clear, concrete and measurable. That can be ensured by drawing on clear indicators and benchmarks, which can help demonstrate where progress is being made and where additional efforts are required. Monitoring and reporting mechanisms contribute to ensuring that violations of international human rights and international humanitarian law are documented and reported to the Council for consideration and action. In this regard, Canada welcomed the Security Council's adoption of resolution 1960 (2010) in December 2010, which calls for the establishment of monitoring, analysis and reporting arrangements to address conflict-related sexual violence.

Finally, accountability for those who violate international law by targeting civilian populations is

fundamental. Canada has been a consistent supporter of the international courts and tribunals that strive to hold individuals to account and contribute to the prevention of such crimes. The recent decision of the Security Council to refer the situation in Libya to the International Criminal Court sent a clear message that there will be consequences for committing serious international crimes, including for those who have ordered and incited illegal attacks on civilian populations.

Strengthening accountability mechanisms in national jurisdictions is also key, as it is States that bear the primary responsibility for investigating and prosecuting violations. Recent convictions of high-ranking army officers for mass rape in the Democratic Republic of the Congo are providing a useful example, and Canada commends these efforts.

In closing, Canada welcomes the Council's continued attention to the protection of civilians in armed conflict. It is essential that the implementation of protection strategies be strengthened through concrete, effective and measurable actions. The Council can count on Canada's full support so that together we develop a better understanding of the challenges that remain, identify effective means to address the gaps and ensure that civilians everywhere are better protected from the harms of armed conflict.

Mr. Mayr-Harting (Austria) (*spoke in French*): I thank you, Mr. President, for having organized this very important debate.

(*spoke in English*)

I should also like to thank Under-Secretaries-General Amos and Le Roy and Assistant Secretary-General Šimonović for their interesting presentations. Let me add that we have always felt it particularly important that the Office of the High Commissioner for Human Rights be associated with this debate. Austria aligns itself with the statements made on behalf of the European Union and the Human Security Network.

Members of the Council and others present will not be surprised that this is the first debate for which my country has decided to return to this table since our term as member of the Council came to an end. This is an issue to which we have been particularly attached, including during our presidency in November 2009, which saw the adoption of resolution 1894 (2009). Austria remains strongly committed to this issue and will continue to work with interested Member States and the Secretariat to enhance the United Nations protection capacities.

I would also like to say that we welcomed the initiative under the presidency of Brazil to address all three protection clusters on the Council's agenda in one set of consultations. Recent years have seen substantial improvements in the United Nations ability to prevent and react to serious violations of international humanitarian and human rights law. Comprehensive consultations, such as those held in February, can enhance the coordination between the existing protection frameworks and mechanisms.

The events in Libya and in Côte d'Ivoire over recent months have shown how challenging the issue of the protection of civilians remains. The Security Council has a core responsibility in ensuring the compliance of all parties to a conflict with international humanitarian, human rights and refugee law. With the adoption of resolutions 1970 (2011) and 1973 (2011) on Libya, as well as resolution 1975 (2011) on Côte d'Ivoire, the Security Council has sent a strong signal that serious violations of international humanitarian and human rights law cannot and will not be tolerated by the Council.

As stated in resolution 1894 (2009), the Security Council also has an important role to play in ending impunity, as the representative of Canada has jus said. We call on the Council to consistently use the tools at its disposal, which include referring situations to the International Criminal Court, as was recently done with the situation in Libya; mandating commissions of inquiry, as proposed in the Secretary-General's latest report on the protection of civilians in armed conflict (S/2010/579); or imposing targeted sanctions. We welcome the Secretary-General's announcement that he will undertake a review of the United Nations experiences in establishing commissions of inquiry in order to identify how such mechanisms might be used more consistently.

We also share the concern of the Secretary-General over the threat posed to civilians by explosive weapons, as outlined in his 2010 report on the protection of civilians in armed conflict. Deployed in populated areas, these weapons cause unacceptable suffering for women, children and men, even years after their initial use. Austria urges all States to accede to and strengthen relevant international instruments,

such as the Mine Ban Treaty, the Convention on Cluster Munitions, and Additional Protocols II and V to the Convention on Certain Conventional Weapons.

United Nations peacekeeping operations are among the Organization's most effective tools to protect civilians affected by armed conflict. We therefore welcome the efforts made by the Secretariat pursuant to resolution 1894 (2009) to improve the implementation of protection mandates by peacekeeping operations. The finalized strategic framework for drafting comprehensive protection strategies provides a solid basis for a coordinated and coherent approach. In addition, the resource and capability matrix can serve as a useful tool in the planning of missions and help to ensure that protection mandates are matched with adequate resources. Appropriate predeployment and in-mission training is key in order to increase the awareness and responsiveness of peacekeepers to protection needs.

The events in Walikale in August 2010 and other incidents of widespread sexual violence in situations of armed conflict show that peacekeepers need to have the capacity to interact closely and communicate effectively with local communities and the host Government in order to carry out their mandate and prevent an escalation of violence. We would like to reiterate the importance of taking gender sensitivities into account and making full use of all components available to mission, including civil affairs officers and community liaison interpreters.

A consistent approach by the Council to the protection of civilians includes an accurate assessment of the achievements and remaining challenges in the field. We therefore strongly support the Secretary-General's recommendation that peacekeeping and other relevant missions develop specific benchmarks against which to measure and review progress. In this regard, lessons learned from the United Nations Mission in the Central African Republic and Chad could serve as a very useful basis.

We also welcome the development by the Secretariat of guidance for United Nations peacekeeping and other relevant missions on protection of civilians reporting. We support the Secretary-General's intention to develop indicators in relation to the monitoring and reporting of achievements in protecting civilians in armed conflict. This will be an important tool for measuring progress and, as a consequence, adjusting the Council's actions.

Finally, we would like to underline the importance of the Secretary-General's recommendation that pressing protection issues be consistently and comprehensively dealt with by the Council, even in cases where they are not formally on its agenda. I think that the experience we have had with such innovative formats as informal interactive debates can also help the Council to deal with these challenges. Discussions and briefings in the informal expert group on the protection of civilians should be used in a continuous manner to ensure that the Council's deliberations are informed and comprehensive.

The President (*spoke in French*): I now give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The report of the Secretary-General on the protection of civilians of 3 May 2011 identifies some contentious issues that have emerged during discussions at the United Nations. Is military force the best way to protect civilians? Does the Security Council truly resort to the use of force only as a last resort to protect civilians? Has the Security Council acted selectively when choosing which civilians deserve protection and which do not?

These issues must be discussed in the United Nations, where some are using the noble purpose of protecting civilians as a pretext to occupy sovereign countries and promote national interests. Humanitarian reasons are invoked while war crimes are committed. Civilians are being killed, including women and children, allegedly in the defence of civilians.

The boundless avarice and neo-colonialist ambition of some countries are the greatest threats to civilians, human life and nature in the world. Venezuela stresses the need to address the broader root causes of conflict, including inequality, poverty, unemployment and domination by a foreign power, which would make it possible to contribute to the prevention and peaceful resolution of conflicts and the genuine protection of civilians.

Venezuela has consistently condemned attacks against civilians, regardless of the perpetrator. Attacks on civilians and civilian targets are banned under international law; however, indiscriminate attacks

using missiles and bombs are being launched on Libyan territory, killing civilians and even troops of the opposition forces, in places that have no connection with the no-fly zone or the protection of civilians.

The Bolivarian Republic of Venezuela condemns the killing of the son of leader Muammar Al-Qadhafi, Saif Al-Arab Muammar Al-Qadhafi, and three of his grandchildren, the victims of one of the bombings that day after day massacre civilians in that sister African nation. The Bolivarian Government demands that the United Nations condemn such illegal acts.

The Fourth Geneva Convention and the Rome Statute define as war crimes the indiscriminate and disproportionate use of force; attacks against civilians, regardless of their perpetrator; and the imposition of collective punishment.

It is deplorable that some of the countries members of the Security Council should provide weapons and military advice and be part of the military structure of the opposition to the Government of Muammar Al-Qadhafi, when they should, as members of this body, maintain impartiality in an internal conflict, one that the Libyan people must resolve independently.

It is deplorable that NATO forces are acting as an army in the service of an insurgent group against the Government of Libya, thereby detracting from the humanitarian character of the protection of civilians in armed conflict.

It is regrettable that certain countries are seeking regime change in Libya, in violation of the Charter of the United Nations. Those actions contravene resolution 1973 (2011), which calls for respect for the sovereignty and territorial integrity of Libya.

The Bolivarian Republic of Venezuela calls for the creation of independent and impartial international mechanisms for monitoring a ceasefire and promoting a dialogue between the parties as well as a peaceful solution to the conflict that would preserve the sovereignty and territorial integrity of Libya.

The Security Council not infrequently acts selectively when deciding which civilians deserve protection, and it also implements sanctions regimes in a biased fashion so as to punish Governments of developing countries.

How is it that Israel has not been sanctioned for its massive violations of the human rights of the Palestinian people? Why have the massacres of innocent civilians in Iraq and Afghanistan not been condemned?

Venezuela believes that powerful countries are manipulating the concept of the responsibility to protect, when they are seeking solely to impose their strategic interests on the world. The responsibility for protecting civilians lies solely with States. The assistance that the international community can offer in this regard should be in support of national efforts at the request of the State concerned.

Venezuela believes that in situations of internal conflict, diplomacy and dialogue are the only means of protecting civilians. It is of great concern, therefore, that the Security Council, instead of promoting peace and security throughout the world, could become a mechanism for war.

The President (*spoke in French*): I now give the floor to the representative of Botswana.

Mr. Ntwaagae (Botswana): I wish to thank you, Mr. President, for giving me the floor to share the views of my delegation on this very important subject. I wish also to thank the French presidency for having convened this open debate.

Our main concern in dealing with this question should be how the international community can ensure that the people who, in most cases, contribute the least to a conflict are not harmed by it.

It is a foregone conclusion that civilians continue to account for the majority of casualties in conflict situations around the world. The numbers of those forced to flee their homes to escape violence, internally or across borders, is quite staggering.

History is replete with examples of innocent civilians who perished in the millions or were displaced permanently by the unforgiving horrors of war. The survivors of the initial onslaught often succumb to the second stage of atrocities, where lifesaving food, water, medicine and other forms of humanitarian relief are denied them.

It is reprehensible to resort to armed conflict whenever there is a small difference of opinion between contending parties, each claiming exclusive rights and control over the other. In this conflagration,

it is, unfortunately, the women and children who suffer the most, as they are subjected to acts of violence that include murder and maiming; sexual violence; forced displacement from their homes; forced recruitment, in the case of children, as child soldiers; and kidnapping and human trafficking, as well as enslavement and other traumatic psychological experiences.

It is deeply regrettable that violent attacks against civilians continue to this day, even after the adoption by the international community of a robust international legal framework and conventions and protocols designed to serve and protect civilian populations to a much greater extent than had been intended by the Hague Conventions of 1899 and 1907, which centred on the danger of indiscriminate warfare.

Half a century later, the Geneva Conventions of 1949 and their Additional Protocols, which act as the central pillar of international humanitarian law, have not enjoyed strict observance by warlords and other aggressors.

While the international community remained united in the utilization of this body of international law to effectively curb the effects of conflict and protect those who do not take part in the hostilities, the instigators of violence undermined that objective by directing attacks at vulnerable segments of their own populations, killing their own people and depriving them the basic necessities of life, even to the extent of impeding the delivery of humanitarian relief supplies to them.

In their actions, belligerents deliberately choose to blur their vision in distinguishing between active combatants and non-combatants and often fail to abide by the intents and purposes of the provisions of landmark resolutions such as General Assembly resolution 2444 (XXIII) of 19 December 1968, which stipulates that a distinction should be observed between persons taking part in hostilities and members of the civilian population, so that the latter can be spared as much pain and suffering as possible.

We note that there have been significant steps in providing guidance for the effective protection of civilians, especially through the production by the Office for the Coordination of Humanitarian Affairs of the fourth edition of the aide-memoire (S/PRST/2010/25, annex), which serves not only as a practical tool for facilitating the Council's deliberations but also as a repository of useful information for the benefit of Member States.

We note with appreciation that, following the Council's adoption of resolution 1894 (2009), there has been forward movement in the five core pillars identified in the resolution as the main challenges to ensuring more effective protection of civilians, namely, enhancing compliance by parties to a conflict with international law; enhancing compliance by non-State armed groups; enhancing protection by United Nations peacekeeping and other relevant missions; enhancing humanitarian access; and enhancing accountability for violations of international law.

The resolution places primary responsibility for the protection of civilians on the States themselves, as well as on the authorities on the ground. The critical question of countering impunity cannot be overemphasized. Even though arrests and prosecutions for crimes against humanity, war crimes and human rights violations remain disappointingly low at both the domestic and the international levels, there is a necessary deterrent value in the establishment of the international legal architecture represented by bodies such as the International Court of Justice and the International Criminal Court (ICC). Besides the deterrent value of ending impunity, promoting accountability on the part of leaders and thereby saving thousands of lives, international judicial bodies such as the ICC have provided victims with their only avenue to justice, especially in situations where local judicial systems are either unwilling or lack the capacity to prosecute crimes and acts of violence.

In order to give impetus to the effective protection of civilians in armed conflict, Botswana has ratified many of the main international law conventions, including the 1949 Geneva Conventions and their 1977 Protocols, as well as the main conventions on refugees. In addition, Botswana continues to host refugees and asylum seekers from a number of countries in the region. My delegation shares the view expressed by other delegations that the burden of providing and sustaining security and humanitarian assistance in refugee camps and settlements should be shared by the rest of the international community, including in the area of demobilization and repatriation.

Allow me to seize this opportunity to pay tribute to those countries that have been at the forefront of

saving lives by sending their own men and women to the front lines to assist in the management of conflict and the protection of civilian populations around the world. Although Botswana does not presently have active military contingents in United Nations peacekeeping operations, due to its limited resources, the country has in the past contributed troops to the African Union Mission in Sudan before it was replaced by African Union-United Nations Hybrid Operation in Darfur, as well as in Somalia and in Mozambique. We are proud of our modest contribution to international peace and security in this regard.

Let me conclude by raising the thorny issue of the proliferation of small arms and light weapons. This is an issue that unfortunately does not receive sufficient attention in the recent report of the Secretary-General on the protection of civilians in armed conflict (S/2010/579). However the issue is featured prominently in the aide-memoire I referred to earlier in my remarks. The aide-memoire contains recommendations for consideration by the Council involving arms embargoes, sanctions and legal measures against corporate actors involved in the manufacture and supply of weapons used to sponsor and sustain conflict. Even though resolution 1894 (2009) highlights the point that the accumulation of such weapons has a destabilizing effect and poses

> "a considerable impediment to the provision of humanitarian assistance and [has] a potential to ... prolong conflicts, endanger civilians and undermine security and the confidence required for a return to peace and stability" (*resolution 1894 (2009), para. 29*),

it does not go far enough.

My delegation is of the view that perhaps it is time for the Security Council to adopt more aggressive measures to deal with the problem of the proliferation of small arms and light weapons and their supply and use, as well as the undesirable effect of such weapons in the sustenance of conflict. The Security Council has enough capability to be more rigorous in addressing the challenge and destabilizing effect of small arms and light weapons with possibly the same vigour as that devoted to the effects of landmines and other explosive remnants of war.

In conclusion, my delegation is of the humble opinion that consideration should be given to extending to small arms and light weapons the call of the Secretary-General in his report for "more systematic data collection and analysis of the human costs" (*S/2010/579, para. 50*) of the use of explosive weapons in order to deepen similar understanding of the humanitarian impact of these weapons, to guide and strengthen the implementation of international and human rights law and, above all, to increase the chances of survival of innocent civilians in conflict situations.

The President (*spoke in French*): I give the floor to the representative of Slovenia.

Ms. Leskovar (Slovenia): Allow me at the outset to thank France for having organized this open debate on protection of civilians. I would also like to thank Under-Secretaries-General Amos and Le Roy and Assistant Secretary-General Šimonović for their important contributions to today's discussion.

Slovenia fully aligns itself with the statements delivered by the Acting Head of the Delegation of the European Union and by the representative of Switzerland on behalf of the Human Security Network.

The situation of civilians in armed conflicts around the world remains alarming. Civilians continue to account for the majority of casualties in conflicts and are often the deliberate targets of different forms of violence by all parties to conflict. Special attention should be paid to the most vulnerable groups, in particular women and children.

The issue of the protection of civilians is gaining importance in this Chamber. In November 2009, the Council took an important step forward with the adoption of resolution 1894 (2009) and introduced new provisions that focus on humanitarian access, the implementation of protection measures in peacekeeping operations, and monitoring and reporting. We welcome the informal consultations of the Security Council on the broader issue of protections of civilians that took place in February under the Brazilian presidency.

The Security Council's activities in protecting civilians have been of particular relevance over the past few months, particularly with the adoption of resolutions on Libya and Côte d'Ivoire. The Council proved that it can act both timely and decisively in order to protect civilians. We welcome the fact that the Council has started to address concerns with respect to the protection of civilians more systematically, and we

call upon it to continue to address these concerns consistently in its country-specific resolutions and presidential statements.

As we have emphasized in our previous statements in this Council, impunity represents one of the major obstacles to the prevention of grave and systematic violations committed against civilians in armed conflict on the ground. All parties to conflict, including non-State actors, must comply with international humanitarian, human rights and refugee law. Ending impunity is essential if war-torn societies are to recover from conflict and to prevent any future human rights abuses. That is why we believe that the Council should also be sensitive to the issue of accountability when discussing country situations on its agenda.

In that context, we stand firm on the position that there can be no sustainable peace without justice. We therefore welcome the fact that resolution 1970 (2011) on Libya also contains a reference to the International Criminal Court (ICC). The systematic fight against impunity for grave crimes committed predominantly against civilians started with the establishment of international tribunals, such as the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, and later on the ICC. In our opinion, the support of the international community and of individual States for those tribunals is of vital importance. Equally important is the cooperation of States with them. Slovenia reiterates its support for all international criminal tribunals, especially the ICC.

Situation-specific resolutions have increasingly called for protection to be prioritized in the implementation of peacekeeping mandates. We particularly welcome the development of comprehensive strategies on the protection of civilians, which assist missions in understanding the relevant threats facing civilians in their areas of operation and enable them to better channel their efforts towards addressing them. Special attention should be given to including appropriate wording on sexual and gender-based violence when formulating peacekeeping mandates, given the ongoing reports of mass rapes and similar crimes from conflict zones. It is essential that the Council provide peacekeeping missions with clear mandates and appropriate resources to enable peacekeepers to implement their mandate fully.

The impact of explosive weapons on civilians, particularly in densely populated areas, remains a concern. They cause severe harm to individuals and communities and increase suffering by damaging vital infrastructure. They continue to constitute an obstacle to the return of refugees and displaced persons, humanitarian aid operations, reconstruction and economic development, as well as the restoration of normal social conditions, and have serious and lasting social and economic consequences for populations. Here, I wish to emphasize that my country implements various projects in the field of mine action carried out by the International Trust Fund for Demining and Mine Victims Assistance in Bosnia and Herzegovina, established by the Slovenian Government.

Let me conclude by stressing that the continuous support and engagement of the Council are crucial to the protection of civilians on the ground. The Council has recently demonstrated its willingness to act swiftly and decisively, together with relevant regional organizations, in responding to disproportionate attacks on civilians. Future efforts should seek the consolidation of such determination and of applicable international law into effective action on the ground.

The President (*spoke in French*): I now give the floor to the representative of Peru.

Mr. Gutiérrez (Peru) (*spoke in Spanish*): At the outset, I would like to thank France for having organized this debate. I am also grateful for the briefings given by Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs; Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations; and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights.

In the previous debate on the issue last November (see S/PV.6427), we outlined a clear message to the effect that the United Nations can and must do more on the ground to meet the requirements for the protection of civilians. We believe that considerable progress has been made in determining the operational mechanisms and guidelines to accomplish that task, in particular in the context of peacekeeping operations, as can be seen in the strategic framework for drafting comprehensive protection of civilian strategies and the recommendations adopted only yesterday by the Special Committee on Peacekeeping Operations.

The treatment of the protection of civilians in armed conflict is multidimensional and cuts across the

work of the various United Nations bodies, in particular in the context of the General Assembly and the work of the Third and Sixth Committees through various resolutions, among which those on the "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" and the "Intensification of efforts to eliminate all forms of violence against women" stand out.

The protection of civilians is a fundamental factor in achieving peace, sustainable and viable political processes, and the credibility and legitimacy of this Organization. While parties in conflict have the obligation and responsibility to take the steps necessary to protect civilians and to assist the provision of humanitarian aid, the political commitment not only of such parties, but also of this Organization, in particular the Security Council, must be strengthened, bearing in mind that, as resolution 1894 (2009) notes, the deliberate targeting of civilians and the systematic violation of international humanitarian law and human rights norms in situations of armed conflict may constitute a threat to international peace and security.

In that regard, it is vital that protection of civilians mandates be clear, viable and specific so that their implementation is not left to the free interpretation of those executing them. It is a priority to underscore the elements that the mission must address, and provision must be made for such mandates to include appropriate and sufficient allocation of the necessary resources for their implementation in order to avoid expectations exceeding the capacity of the missions, in particular with respect to the use of force. When peacekeeping operations are charged with the task of protecting civilians, their multidimensional nature and the various actors of which they are comprised, as well as the indispensable political commitment that they require, must be considered.

Another clear message from the ongoing consideration of the issue is the need to improve and strengthen the fight against impunity in the light of violations of international humanitarian and human rights law and the aforementioned responsibility to protect civilians. There is international criminal responsibility in the case of such violations. We should recall that the international community, through the four Geneva Conventions of 1949 and their Additional Protocols, as well as under customary international law, provided mechanisms for States to try and punish the perpetrators of war crimes.

Likewise, through the Rome Statute of the International Criminal Court, the Court's jurisdiction to try those who commit war crimes was established pursuant to article 8 of the Statute, regardless — and I repeat, regardless — of which party to the armed conflict commits them, under the principle of complementarity and through effective cooperation with the Court. Allow me here to underscore once again the importance of avoiding selectivity so that the Court's work and the mandates of the Security Council are not perceived as tainted with any political bias.

To conclude, as mandates for the protection of civilians are developed case by case, we believe it to be of the greatest importance to develop preventative analysis prior to the deployment of a mission. That will require an analysis of the risks to be faced in order to have the best possible knowledge of the parties to and circumstances of the conflict and to achieve a better comprehensive political and strategic direction. It will also make possible better guidance on the necessary coordination in the field.

The President: I now give the floor to the representative of the Netherlands.

Mr. Schaper (Netherlands): I would like to thank you, Mr. President, for organizing this important debate. Of course, I align myself with the statement delivered by the representative of the European Union.

My comments will focus on the relationship between the protection of civilians and the responsibility to protect, which is an important relationship that has been acknowledged in various resolutions on the protection of civilians in recent years.

The two principles — the protection of civilians and the responsibility to protect — have different origins, and their practitioners do not always seem to see eye-to-eye. The Netherlands therefore believes that it is important to enhance our collective understanding of both principles and how they are related in their implementation.

Conceptually, the responsibility to protect and the protection of civilians are indeed distinct. The responsibility to protect is focused on the four specific crimes of genocide, war crimes, ethnic cleansing and crimes against humanity, be they committed in conflict

or non-conflict situations. The protection of civilians, however, is broader in scope, as it aims to protect the general safety, dignity and integrity of all human beings, while at the same time being focused on conflict situations in particular.

At the same time, the two principles are also closely related, as they share a similar normative foundation that consists of four elements. The first is that the protection of individuals is a primary responsibility of each State. Secondly, the international community plays a supportive role concerning both principles. Thirdly, prevention and early warning are key aspects of the protection of civilians and the responsibility to protect. Let me repeat here that prevention is a key component. Fourthly, neither the protection of civilians nor the responsibility to protect is synonymous with military intervention. Both are much broader concepts.

Support for the protection of civilians and the responsibility to protect alike has also grown among the membership of the United Nations. We welcome that development. The Special Committee on Peacekeeping Operations has made important progress this year on the protection of civilians and effective peacekeeping. The framework for drafting comprehensive strategies for the protection of civilians in United Nations peacekeeping operations is a welcome tool. The three-tier approach for the protection of civilians, as described in that framework, holds great promise and enhances prevention aspects.

We also saw increasing consensus on the responsibility to protect during the General Assembly debates in 2009 and 2010. In 2009, the Secretary-General articulated a three-pillar approach for implementing the responsibility to protect, which has been very useful.

In his 2010 report (A/64/864), the Secretary-General focused, much to our agreement, on the importance of early warning mechanisms in preventing the four responsibility-to-protect crimes. The proposals to strengthen the Office of the Special Adviser on the Prevention of Genocide attracted the overwhelming support in the Fifth Committee and the General Assembly in December 2010.

A second positive development is that progress in practice has also been achieved, especially in two respects, namely, prevention — the importance of which I already mentioned — and military measures. Timely mediation by the international community in Kenya and Guinea prevented further mass atrocities and protected civilians. Both have made further action by the Council unnecessary and, at the same time, set important precedents for preventive measures.

As far as military measures are concerned, a distinction can be made between situations in which a United Nations mission is already present on the ground and those in which that is not the case. For instance, the United Nations Operation in Côte d'Ivoire (UNOCI) played an important role in halting further violence in the country through the robust implementation of its mandate to protect civilians. In doing so, UNOCI also contributed to the prevention of further developments that might have amounted to crimes against humanity.

In Libya, the implementation of resolutions 1970 (2011) and 1973 (2011) by the coalition resulted in the protection of civilians and the prevention of massive crimes against humanity in Benghazi and other cities in the country. The language of the recent resolutions on Libya acknowledges the very close relationship between the protection of civilians and the responsibility to protect. The Netherlands is very pleased about that.

We believe that we need to acknowledge the relationship between the responsibility to protect and the protection of civilians. In our view, doing so strengthens the implementation of both principles, individually and jointly. That includes looking for synergies between the two principles. For example, the reform of the judiciary creates a safer environment for civilians and helps to prevent the four responsibility-to-protect crimes from happening.

The same holds true for the implementation of human rights conventions, the training of police forces and support to inclusive political processes. Early warning is another area where synergies are possible. I would like to highlight two specific issues in that regard. First, the United Nations, and the Council in particular, should focus more systematically on prevention, including in situations that are not yet on the Council's agenda. We therefore welcome the monthly briefings to the Council by the Department of Political Affairs. We also welcome the statements by the Secretary-General on serious country situations and his role in drawing the Council's attention to them. That is a good example of putting into practice his

promise to inform the Council about what it needs to hear, not what it wants to know. We hope that the Council will consistently act on his recommendations, and we are heartened by the progress already made in that respect.

Secondly, integrated peacekeeping missions and special political missions of course have a very important role to play in the protection of civilians. In our view, those missions can and should also support, within their means and capabilities, host Governments in the prevention of the four crimes and in the exercise of their responsibility to protect. Where appropriate, mandates should enable missions to fulfil both of those roles.

In conclusion, we believe that the protection of civilians and the responsibility to protect are extremely important principles. We have to acknowledge their similarities and strengthen their relationship in practice. That will benefit both principles and their implementation in any given situation.

The President (*spoke in French*): I now give the floor to the representative of Azerbaijan.

Mr. Musayev (Azerbaijan): At the outset, I would like to thank you, Mr. President, for organizing this timely and important open debate on the protection of civilians in armed conflict.

It is symbolic that today's meeting has been convened immediately following the celebration of the sixty-sixth anniversary of the end of the Second World War and the commemoration of its victims. That war was a great tragedy that demonstrated the destructive consequences of tyranny and disregard and contempt for human dignity, rights and freedoms.

A response to the overwhelming horrors of crimes perpetrated during the wartime occupation of large parts of many nations served as the basis for the founding of the United Nations, the establishment of multinational judicial institutions and the proclaiming of fundamental values, such as peace and respect for human rights. The significant development of international norms and standards for the protection of civilians and the engagement of the Security Council, including the adoption of a number of important resolutions and practical steps towards their implementation, have turned increased attention to protection issues.

However, efforts to ensure a peaceful, just and prosperous world have not always been consistent and successful. As a consequence, civilians continue to suffer from inadequate protection and discriminatory treatment in situations of armed conflict.

Azerbaijan's interest in the issue under consideration is obvious and stems from its efforts to contribute to the achievement of sustainable peace and development and its practical experience of addressing the impact of armed conflict on civilians.

As is known, in its resolutions adopted in 1993 in response to the occupation of Azerbaijani territories, the Security Council referred specifically to violations of international humanitarian law, including the displacement of a large number of civilians in Azerbaijan, attacks on civilians and bombings of inhabited areas. The European Court of Human Rights later arrived at an important conclusion qualifying the behaviour of those carrying out the incursion into the territory of Azerbaijan as acts of particular gravity that could amount to war crimes or crimes against humanity.

In recent years, important steps have been taken for the protection and vindication of rights and the prevention and punishment of crimes having an international dimension and scope. We believe that ending impunity is essential, not only for the purposes of identifying individual criminal responsibility for the most serious crimes of international concern but also for ensuring sustainable peace, truth, reconciliation, the rights and interests of victims and the well-being of society at large.

It is essential that peace efforts and peace agreements never encourage the acceptance of the situations achieved by the unlawful use of force or other egregious violations of international law and never promise amnesty for genocide, war crimes, crimes against humanity and gross violations of human rights.

Particular consideration must be given to the implications for the protection of civilians in armed conflicts aggravated by population displacements and foreign occupation. The impact of conflict on housing, land and property, as well as discrimination on ethnic grounds and forced demographic changes in such situations, require a more consistent approach in order to put an end to illegal practices and policies and

ensure the safe and dignified return of displaced populations to their homes.

It is important that the recognition of the right to return, along with increased attention to its practical implementation and concrete measures aimed at overcoming obstacles preventing return, be applied by the international community with more systematic regularity. Ensuring the right to return constitutes a categorical rejection of the gains of ethnic cleansing and offers important measures of justice to those displaced from their homes and land, thereby removing a source of possible future tension and conflict.

The lack of agreement on political issues cannot be used as a pretext for not addressing problems caused by continued and deliberate disrespect for international humanitarian human rights law in situations of armed conflict and military occupation.

Therefore, we proceed from the importance of reaffirming, with respect to such situations, the continuing applicability of all relevant international legal norms, achieving the invalidation of activities aimed at the consolidation of military occupations, initiating urgent measures towards removing the adverse effects of such activities and discouraging any further practices of the same or similar nature.

The President (*spoke in French*): I now give the floor to the representative of Bangladesh.

Mr. Mahmood (Bangladesh): Let me begin by congratulating France on its assumption of the presidency of the Security Council for the month of May 2011. I would like to thank you, Mr. President, for convening this important meeting. Allow me also to express our sincere thanks to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the Under-Secretary-General for Peacekeeping Operations and the Assistant Secretary-General for Human Rights and Head of the New York Office of the Office of the United Nations High Commissioner for Human Rights for their comprehensive briefings this morning.

Civilians continue to account for the vast majority of casualties in armed conflicts. It is against this backdrop that the States Members of the Organization pledged in the Millennium Declaration to expand and strengthen the protection of civilians in complex emergencies. Protection for civilians is a basic principle of humanitarian law. Civilians not taking part in the fighting must on no account be attacked and must be spared and protected. The 1949 Geneva Conventions and their 1977 Additional Protocols contain specific rules to protect civilians. In situations that are not covered by these treaties, in particular internal disturbances, civilians are protected by the fundamental principles of humanitarian law and human rights law. However, a large number of civilians continue to be exposed to the atrocities of conflict.

The vulnerable situation of civilians in post-conflict societies needs special attention. Long after guns have fallen silent, such people remain traumatized by the atrocities of war. For peace to be sustained, they must be rehabilitated and reintegrated into their communities more effectively, and the perpetrators must bear the resultant cost.

Peacekeeping operations are one of the important tools available to the United Nations to protect civilians in armed conflict. As one of the largest troop-contributing countries, Bangladesh is playing its part in ensuring peace and security in different parts of the world. In several situations, such as in Côte d'Ivoire, our peacekeepers have also been injured by the parties to the conflict while performing their duties. We feel that the issue of the resource gap in peacekeeping missions should be adequately addressed.

Similarly, it should also be kept in mind that United Nations blue helmets cannot be seen as the only instrument to protect civilians in such situations. The host country has the primary responsibility for protecting its civilians. International efforts including the use of force should be the last resort, and the relevant provisions of the United Nations Charter must be respected. Allow me to add here that the presence of uniformed female personnel may play a pivotal role in a State's ability to protect its citizens. In that regard, I would like to take this opportunity to refer to the efforts of the all-female Bangladeshi formed police unit working in the peacekeeping mission in Haiti.

I would like to mention what my delegation considers to be two overarching themes for the protection of civilians in armed conflict. The first relates to prevention and the building of a culture of peace. Prevention is at the heart of protection. The preventive capacity of the Organization must be enhanced. At the same time, Member States need to take steps to inculcate the values of peace, tolerance and harmony that contribute to long-term prevention.

The second theme is that of coordination among all stakeholders, including various political, humanitarian, military and development components of United Nations missions in the field. We appreciate some improvements in that regard. However, much needs to be done. My delegation stresses the need for effective coordination, particularly between the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the Department of Peacekeeping Operations and the Department of Political Affairs.

My delegation condemns all violations of international humanitarian and human rights law and stresses the need to combat impunity, safeguard access for humanitarian assistance and protect the safety of humanitarian aid workers. My delegation expresses its grave concern over such violations and breaches of law. For example, total disregard and rejection of humanitarian and international laws and values, especially that of the occupation forces in the occupied territories of Palestine for years now, is a disgrace to humanity.

In Libya, civilians continue to be attacked during the conflict. We are greatly worried by the reports of deaths, injuries and violence. The delivery of essential medical supplies and other relief items and the evacuation of third-country nationals, the wounded and others who require emergency medical assistance have also been severely affected.

Finally, my delegation strongly urges the international community, particularly the Council, to take effective steps to ensure respect for and compliance with the Geneva Conventions in all such situations in a uniform manner. We urge parties to conflict to comply strictly with international humanitarian, human rights and refugee law for the protection of civilians and provide unimpeded access to humanitarian aid. We call on all parties to conflicts to strengthen the protection of civilians through heightened awareness at all levels, particularly through the training, orders and instructions issued to armed forces.

The President (*spoke in French*): I now give the floor to the representative of Armenia.

Mr. Nazarian (Armenia): Thank you, Mr. President, for organizing this important discussion on a topic that has gained sound public and political acknowledgement.

It is commendable that this body has continued its practice of holding open debates on the protection of civilians, featuring briefings by the Under-Secretaries-General and Assistant Secretary-General, which offer an analysis of the Council's action as compared with previous years and also touch upon important developments. In a lessons-learned process, this open debate should also enable the Council to more effectively address specific concerns related to the protection of civilian populations.

The Council has to send a clear message to all parties in armed conflict regarding their obligation and condemning violations of international humanitarian and human rights law. In this context, the Security Council should have clearly defined goals and priorities for its work. It is important that the Council, while preventing conflict, be focused on the protection of civilians within the overall process of peaceful resolution of disputes, because only by addressing the root causes of conflicts can sustainable peace be achieved, which in turn will contribute to the protection of civilians.

The frequency with which the Security Council addresses this issue reflects the urgency of the matter and the need for the international community to fulfil its commitments to protecting civilians through the implementation of provisions of international humanitarian law. Therefore, we share the views expressed by Council members and other speakers calling for more systematic attention to protection, and we believe that it should be frequently reflected in the deliberations of the Security Council.

We strongly condemn deliberate attacks on and the killing of civilians through the indiscriminate or disproportionate use of force, which is a gross violation of international humanitarian law in any conflict in any part of the world. In this context, increased efforts to fight impunity at the national and international levels are essential.

It is unfortunate that, despite the existence of international legal instruments and normative mechanisms, innocent civilians, including women and children, as well as international humanitarian personnel, continue to suffer in conflict situations. Undoubtedly, the prosecution of those responsible for crimes committed against peaceful populations continues to be an urgent matter. We believe that the Security Council should further contribute to the

strengthening of the rule of law and the upholding of international law by supporting criminal justice mechanisms. The relevant United Nations entities and international treaty bodies should also continue to play their important role. The priority at this point is to ensure the comprehensive and effective implementation of existing norms.

Today's debate also offers an opportunity for the Council to evaluate progress on key issues, such as the implementation of resolution 1894 (2009), and to indicate areas where further focus is needed, including the enhancement of compliance with international humanitarian law and the strengthening of accountability for its violation. Ensuring such accountability and enhancing compliance with international legal obligations by parties to a conflict should be viewed as key elements of the Council's responsibility to maintain international peace and security. Bettering the use of established sanctions regimes and implementing the binding resolutions that call upon all States to adopt national legislation for the prosecution of individuals responsible for genocide, crimes against humanity and war crimes are important in this context.

Armenia welcomes the French initiative to hold this open debate. It is an opportunity to recapitulate and reflect on the Council's past experiences in dealing with the issue of protection and to highlight priority aspects of the practical actions of the United Nations.

The President (*spoke in French*): I now give the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): On behalf of my country, I would like to thank the Security Council for the holding of this open debate to discuss the protection of civilians in armed conflict.

The entire international community understands that this very important subject cannot be dealt with selectively or subjected to one-sided interpretations. We therefore believe that the protection of Palestinian, Syrian and Lebanese civilians suffering under Israeli occupation is part and parcel of this much-appreciated international effort in the context of the impartial and exact implementation of the mandate to protect civilians in armed conflicts. I say this in particular because the Security Council has long been involved in debating this important matter, while Israel, rightly and legally referred to as the occupying Power, has all the while continued its gross violations against civilian populations in occupied Arab territories.

Paragraph 3 of the guidelines annexed to General Assembly resolution 46/182 — by which the Assembly established the Office for the Coordination of Humanitarian Affairs — states that

> "The sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations. In this context, humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the affected country."

In addition, paragraph 4 of that resolution states that

> "Each State has the responsibility first and foremost to take care of the victims of natural disasters and other emergencies occurring on its territory. Hence, the affected State has the primary role in the initiation, organization, coordination, and implementation of humanitarian assistance within its territory."

Jurisprudence has concluded that international efforts to protect civilians in cases of armed conflict must be carried out in strict observance of the principles of the Charter of the United Nations — which affirm the need to respect the sovereignty of States, their political independence and their territorial integrity — and be consistent with the provisions of the Geneva Conventions and international humanitarian law. Every international instrument has affirmed that national Governments have the primary responsibility in providing protection for their citizens and that such responsibility is exclusive and cannot be substituted for or influenced in the service of a given political agenda.

We must therefore not confuse the subject of the protection of civilians, on the one hand, and threats to international peace and security on the other, in particular when such an important subject is discussed in the Security Council. We must also avoid using vague or loose interpretations of the subject of the protection of civilians, as well as the use of terminology outside United Nations documents and materials that are controversial, such as the responsibility to protect and humanitarian intervention. Were that to happen, it would inevitably harm the credibility and neutrality of the United Nations and

undermine the noble efforts carried out to protect civilians in armed conflicts.

An old paradox for the international community is the fact that, with the development of the concepts of international law over past decades, in both the general and humanitarian aspects, the suffering of civilians during conflicts — and, indeed, the very number of conflicts — have increased. The distinctive march of the international community over many centuries towards the codification of humanitarian law must not be undermine through the selective implementation of such law against the powerless — not the powerful — and the violation of the sanctity of sovereignty and the inviolability of the borders of Member States, while at the same time absolving the authorities of foreign occupation from the consequences of their violations, in total disregard for the norms and principles of international humanitarian law.

The crimes committed by Israel over several decades in the occupied Arab territories, its violations of the most basic principles of international humanitarian law and the impunity it enjoys not only prove the violations of law by the Israeli occupation and its political and military leadership; they are also evidence of how certain countries in the Security Council have condoned and tolerated those violations and have been reluctant to end them.

Israel continues to refuse to return the occupied Syrian Golan to its motherland and to abide by the resolutions of international legitimacy, especially resolution 497 (1981), which was adopted by consensus by the Council and resolved that Israel's annexation of the occupied Syrian Golan was null and void and without legal effect. We really do not know how long we can continue to turn a blind eye to Israel's occupation of Arab territories, including the Syrian Golan and East Jerusalem, and to Israel's inhuman acts against civilians in the armed conflict that, in United Nations terminology, is known as the Arab-Israeli conflict and the question of Palestine.

We wonder why we fail to see, with regard to Israeli aggression, the same enthusiasm exhibited today by certain representatives in expressing the great importance they attach to the protection of civilians in certain parts of the world where the agenda item "Protection of civilians in armed conflict" does not apply. These representatives have gone to great lengths to express their concern for civilians in the Chamber of the Security Council, whose mandate is the maintenance of international peace and security, in order to endorse a flawed reading and interpretation of the concept of the protection of civilians in armed conflict in order to justify their flagrant intervention in the internal affairs of Member States.

The President (*spoke in French*): I now give the floor to the representative of the Republic of Korea.

Mr. Park In-Kook (Republic of Korea): My delegation believes that today's debate is a timely opportunity to further the progress on key issues such as the implementation of resolution 1894 (2009), in particular as political developments over the past few months have refocused our attention on this issue. In this regard, I would like to highlight the following points.

First, no violators of international humanitarian law should go unpunished, under any circumstances. As the Security Council reaffirmed in resolution 1674 (2006), ending impunity is essential. In this connection, we fully endorse the Secretary-General's emphasis in his 2010 report (S/2010/579) on accountability for those who commit mass atrocities and on the responsibility of States to investigate and prosecute those suspected of genocide, crimes against humanity and war crimes. In addition, my delegation also emphasizes the role of the International Criminal Court as the last line of defence for upholding the principle of no impunity.

Compliance should also be enforced among non-State armed groups, which are involved in an ever greater number of conflicts. As such, the Security Council and other relevant international bodies need to devise measures to ensure full compliance, regardless of the status of the parties in conflict.

Secondly, access to provide humanitarian aid and basic safety and security to civilians affected by armed conflict also needs to be guaranteed. Unfortunately, we have seen many cases where humanitarian personnel and supplies have failed to reach those in urgent need due to the interference of certain parties involved in armed conflicts. Such acts clearly constitute crimes against humanity, and those involved should be held accountable. My delegation hopes that the Security Council, on the basis of the relevant paragraphs of resolution 1894 (2009), can deliberate further on this issue.

Thirdly, sexual violence against women and girls in armed conflicts is one of the most horrible forms of violence, not only against civilians but against civilization itself, and it deserves our special attention. Women and girls are most vulnerable, and sexual violence has a devastating and corrosive effect on society as a whole. My delegation hopes for increased coordination among the Special Representative of the Secretary-General on Sexual Violence in Conflict, UN Women, the Department of Peacekeeping Operations and other relevant organizations to better tackle these atrocious crimes.

Fourthly, more urgent attention should be paid to the issue of refugees. Due to globalization and deepened integration, it is expected that more refugees will be involved with armed conflict. More specific protection mechanisms should therefore be established, with the contribution of the Office of the United Nations High Commissioner for Refugees, and widely respected.

Fifthly, the role of regional organizations must be duly recognized and enhanced. With their deeper understanding of and sensitivity to the specific circumstances of both inter-State and intra-State conflicts, including a ready capacity for swift intervention, regional organizations can play a greater role in this regard.

Finally, my delegation also believes that such efforts to protect civilians should be an integral part of all United Nations peacekeeping missions. It cannot be denied that the primary responsibility for protecting civilians rests with States and the parties involved in a conflict. However, we have witnessed situations of armed conflict where the States and the parties involved have failed to provide adequate protection measures to civilians and armed groups, and where States have even resorted to using violence against their own innocent civilian populations as a means of combat. In such situations, United Nations peacekeeping operations are taking on greater responsibilities to support and provide security to civilians at risk, as seen recently in the case of Côte d'Ivoire. In addition, the Security Council needs to establish clear, credible and achievable mandates to ensure the successful and effective protection of civilians prior to deployment.

My delegation shares the deep concerns over systematic, flagrant and widespread violations of international humanitarian and human rights law and crimes against humanity, all of which have a serious effect on civilians. In this regard, the Republic of Korea fully supports the continued attention that the Security Council is giving to this issue. We welcome the Council's timely actions over the past few months. My delegation is also committed to rendering its full commitment.

The President (*spoke in French*): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.50 p.m.